

# State of California



## Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance  
(916) 322-3662

• • Administration • •  
322-3660

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322-6444

February 10, 1984

Mike Wadle  
Senator Ray Johnson's Office  
State Capitol, Room 5082  
Sacramento, CA 95814

Re: Your Request for Advice  
Our File No. A-84-019

Dear Mike,

This letter is sent to confirm telephone advice I gave you concerning the application of Government Code Section 89001<sup>1/</sup> to Senator Johnson.

Senator Johnson is seeking reelection this year. He is an Independent, and, as such, he does not run in the primary election. Since he is not on the primary ballot, he is not required to file a declaration of candidacy pursuant to Election Code Section 6490 in the early spring. After the primary, he will file a declaration of candidacy with a requisite number of signatures to run as an Independent in the November General Election. Senator Johnson is in the process of preparing several mass mailings for his district including his newsletter. Accordingly, you asked on what date the mass mailing prohibition in Section 89001 applies to Senator Johnson.

Section 89001 prohibits elected state officers from sending legislative newsletters or other mass mailings at public expense after the elected state officer has filed a declaration of candidacy for any office. According to the Elections Division of the Secretary of State's Office, Senator Johnson must file a declaration of candidacy between June 11, 1984, and August 10, 1984, in order to run as an Independent in the November 1984 General Election. Accordingly, the prohibition in Section 89001

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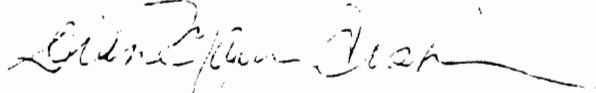
<sup>1/</sup> All statutory references are to the California Government Code.

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will be triggered on the day during this period that he files his declaration of candidacy.

If I can be of further assistance, please feel free to contact me at (916) 322-6444.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Maura Fishburn", with a long horizontal flourish extending to the right.

Diane Maura Fishburn  
Counsel  
Legal Division

DMF:pln